

REMARKS

Claims 1, 19 and 21 have been amended. Claims 1, 3 and 5-22 remain pending in the present application. Applicant reserves the right to pursue the original and other claims in this and other applications.

Claims 1, 3 and 5-22 stand rejected under § 102 as being anticipated by Elliott (U.S. Patent No. 6,243,039). The rejection is respectfully traversed.

Claim 1 recites a tracking device system “consisting” of “a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a communication means for receiving the first data signal and transmitting a second data signal, the second data signal comprising a location of the transmitter; and a receiving means for receiving the second data signal from the communication means via a world wide web connection and for housing a software program for enabling a user to track the physical asset, wherein the physical asset, the communication means and the receiving means are in continuous communication and track the location of the physical asset.”

Claim 3 recites a method of tracking an asset comprising the steps of “forming a communications network by forming a world wide web connection between a personal computer and central server; transmitting a first data signal in real-time, via the communications network, from the personal computer to the central server to inquire the location of a physical asset; communicating with the physical asset from the central server via the communications network; tracking the physical asset by transmitting a second data signal over the communications network, said second data signal comprising a location of the physical asset; interrogating the second data signal to determine a status signal; and storing the determined status signal in the central server.” Claims 20 and 21 recite similar features.

Claims 19 recites a computer system comprising “at least one website linked to the at least one server through the computer network, wherein the website provides a user interface through which a user can access a tracking program; and a tracking module.” Claim 19 further recites that the tracking module comprises a tracking device system “consisting” of: “a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a

communication means for receiving the first data signal and transmitting a second data signal, the second data signal comprising a location of the transmitter; and a receiving means for receiving the second data signal from the communication means, wherein the physical asset, the communication means and the receiving means are in continuous communication and track the location of the physical asset.”

In the claimed invention, the system only consists of the elements of claim 1, where for example, using a device 12 located remotely from the physical asset 14, information is requested regarding the location of the physical asset 14 via communication means (*e.g.*, a central server) 16. In use, a data signal (first data signal) is sent from the physical asset 14 to the communication means 16 corresponding to the location of the physical asset 14. Once the data signal is received, the communication means 16 sends the location of the physical asset 14 by transmitting a second data signal comprising the location of the physical asset to remote device 12, via the world wide web, where the location is stored, and, if desired, displayed.

Elliott, on the other hand, refers to a wireless communications system for continuously tracking a device’s location based on reference broadcast signals generated by a ground based position system. Elliott at col. 2, lines 45-47. In Elliott’s system, an additional ground based position system 15 for generating a plurality of signals to “triangulate” or determine the location of the physical asset is needed. *See* FIG. 1 of Elliott. Only after the physical location of the physical asset is determined by the ground based position system is the first data signal sent to a communication means and so forth. Applicant respectfully submits that this operation is different than the claimed invention.

In the claimed invention, by contrast, a data signal (first data signal) is directly sent from the physical asset 14 to the communication means 16 corresponding to the location of the physical asset 14 without using additional reference broadcast signals. In fact, the system of the claimed invention requires nothing more than the first data signal without the assistance of an additional ground based position system to determine the location of the physical asset. In the present application, the transmitter, attached to the physical asset, transmits the first data signal to a communication means which then transmits a second data signal that corresponds to the location of the transmitter. Thus, the determination of the location of the physical asset in the


claimed invention occurs within a system only involving the physical asset, the transmitter, and the communication means; and does not involve any additional components such as a ground based position system as disclosed in Elliott.

Thus, Applicant respectfully submits that the cited reference, Elliott, fails to disclose, teach or suggest all of the limitations of claims 1, 3 and 19-21. Therefore, Applicant submits that claims 1, 3 and 19-21 should be allowable. Claims 5-9 depend from claim 3 and are allowable along with claim 3. Claims 10-18 depend from claim 1 and are allowable along with claim 1. Claim 22 depends from claim 21 and is allowable along with claim 21. Accordingly, Applicant respectfully requests that the rejection be withdrawn and claims 1, 3 and 5-22 allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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